

**IN THE UNITED STATES COURT FOR THE
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

**HLEVICTOR HOSKINS,
*PLAINTIFF***

V.

**NELNET, INC.,
*DEFENDANT***

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§

CIVIL ACTION NO. 4:24-CV-3380

**EXHIBIT “B”
INDEX OF STATE COURT’S FILE³**

B-1	Plaintiff’s Original Petition	08/12/2024
B-2	Nelnet’s Original Answer	08/29/2024

³ Nelnet will request the remainder of the State Court file and will supplement.

Citation - Small Claims Money Damages

Tracking Number: K0407062

Case Number: 245100295998

Hlevictor A. Hoskins Jr
Plaintiff
vs.
Nelnet INC
Defendant

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In the Justice Court
Harris County, Texas
Precinct 5, Place 1
6000 Chimney Rock Road
Suite 102
Houston, TX 77081
713-274-8700
www.jp.hctx.net

Citation (Small Claims Case)

THE STATE OF TEXAS
COUNTY OF HARRIS

TO: ANY SHERIFF, CONSTABLE, PROCESS SERVER CERTIFIED UNDER ORDER OF THE SUPREME COURT,
OTHER PERSON AUTHORIZED BY COURT ORDER, OR CLERK:

Deliver this citation, together with a copy of the petition, to:

Nelnet INC
By Serving: C T Corporation System
5601 South 59th St
Lincoln NE 68516

TO THE DEFENDANT:

You have been sued. You are commanded to appear by filing a written answer to the petition filed by Plaintiff with the Clerk of the Court on or before the end of the 14th day after the date of service of this citation. In your answer, please provide an email address if you consent to email service of any pleadings or other documents in your case. If you fail to file an answer as required, a judgment by default may be rendered for the relief demanded in the petition.

Date Petition Filed: 08/12/2024

Nature of demand made by Plaintiff(s): money owed in the amount of \$20,000.00. A copy of the petition is attached.

Notice

You have been sued. You may employ an attorney to help you in defending against this lawsuit. But you are not required to employ an attorney. You or your attorney must file an answer with the court. Your answer is due by the end of the 14th day after the day you were served with these papers. If the 14th day is a Saturday, Sunday, or legal holiday, your answer is due by the end of the first day following the 14th day that is not a Saturday, Sunday, or legal holiday. Do not ignore these papers. If you do not file an answer by the due date, a default judgment may be taken against you. For further information, consult the Texas Rules of Civil Procedure, Part V, Rules of Practice in Justice Courts. A copy of the Rules is available at <http://www.jp.hctx.net/> or at the Justice Court.

Date: 8/12/2024



/s/ Sandra Saldana
Clerk of the Court
Harris County Justice Court
Precinct 5, Place 1

Address of Plaintiff

2425 Holly Hall St Apt K142
Houston TX 77054

Small Claims Petition

NO. 245100295998Hlexictor A. Hoskins Jr

Plaintiff(s)

vs.

Nelnet INC

Defendant(s)

Plaintiff: Hlexictor A. Hoskins Jr

Describe the legal nature of the plaintiff (e.g., individual, sole proprietorship, partnership, corporation)

IndividualDefendant: Nelnet IncAddress: 5601 South 59th StCity: LincolnState: NEZip: 68516

Date of Birth (if applicable):

Describe the legal nature of the defendant (e.g., individual, sole proprietorship, partnership, corporation)

Corporation*Defendant may be served by serving C T Corporation System

(state the name of the defendant if defendant is an individual, or state the name and title of the person who is authorized to receive service of process for the defendant if defendant is a partnership, limited partnership, corporation, or limited liability company), who may be served at

5601 South 59th St Lincoln, Nebraska 68516

(state the address for service of process).

The defendant's usual place of business or residence, or other place where defendant can probably be found is 5601 South 59th StLincoln

Cause of Action

(State the cause of action in plain and concise language, sufficient to give fair notice of the claim and to provide enough information to enable the defendant to prepare a defense. You may include information showing venue is proper in the Justice of the Peace Precinct in which you are filing. If you are seeking personal property, you must describe the property and state the value of the property.)

Neglect and not in compliance with FCRA, due to multiple attempts to report Identity theft, and requesting original documents to prove debt. No response from Nelnet Inc

Relief Requested (Describe the relief you are requesting, itemizing the amount of damages you are seeking.)

\$80,000 in damages ~~and~~

Respectfully submitted,

Hlexictor A. Hoskins Jr
Signature of Plaintiff or Plaintiff's Attorney of RecordPrinted Name: Hlexictor A. Hoskins Jr

State Bar No. _____

Address: 2425 Holly Hall # Houston, TX 77054 (Apt K142)Telephone: 863 558 6306

Fax Number: _____

E-Mail Address: V-hos@yaho.com☐ Plaintiff consents to the e-mail service of the answer and any other motions or pleadings to this e-mail address.

No. 245100295998

HLEVICTOR HOSKINS, JR.,
Plaintiff,§
§
§

IN THE JUSTICE COURT

v.

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§
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§

PRECINCT 5, PLACE 1

NELNET, INC.,
Defendant.

HARRIS COUNTY, TEXAS

DEFENDANT NELNET SERVICING, LLC'S ORIGINAL ANSWER

Defendant, NELNET SERVICING, LLC (incorrectly identified as "Nelnet, Inc.") ("Nelnet"), files this, its Original Answer and in support thereof would show the Court as follows:

I. GENERAL DENIAL

Nelnet generally deny each and every, all and singular, the allegations contained in Plaintiff's Original Petition ("Petition") pursuant to Rule 92 of the Texas Rules of Civil Procedure, and upon final trial or hearing hereof will require strict proof in accordance with the laws of the State of Texas and the United States Constitution.

II. AFFIRMATIVE DEFENSES

The affirmative defenses below are stated in the alternative:

1. Plaintiff's Petition fails to state a claim or cause of action, in whole or in part, upon which relief may be granted.
2. Plaintiff's tort claims sound in contract.
3. Plaintiff's claims are barred by the economic loss doctrine.
4. Plaintiff's claims are barred by the applicable statute of limitations.
5. Plaintiff's claims are barred by waiver.
6. Plaintiff's claims are barred by laches.

7. Nelnet alleges that the damages claimed by Plaintiff were proximately caused by the acts or omissions of Plaintiff or a party or parties, whether joined in this suit or not, for whose conduct Nelnet is not responsible, and therefore Nelnet pleads proportionate responsibility. Nelnet specifically alleges the following:

- a. Plaintiff's own fault contributed to or solely caused his damages, if any.
 - b. Plaintiff's damages, if any, were caused solely by one or more third parties for whose conduct or misconduct Nelnet is not responsible.
 - c. Plaintiff's claims are barred by Plaintiff's own comparative negligence and/or fault.
8. The acts or omission of a person or entity, whether or not a party to this suit, and who was not at any material time subject to Nelnet's actual or constructive control were a new, independent, intervening or superseding cause of Plaintiff's damages, if any.

PRAYER

WHEREFORE, NELNET SERVICING, LLC prays that Plaintiff take nothing by reason of Plaintiff's claims in this suit, and for any and all such other and further relief, at law or in equity, to which NELNET SERVICING, LLC may show itself to be entitled.

Respectfully submitted,

HUSCH BLACKWELL, LLP

By: /s/ Sabrina A. Neff
Sabrina A. Neff
TBN# 24065813
600 Travis St., Suite 2350
Houston, Texas 77002
(713) 647-6800 – Telephone
(713) 647-6884 – Facsimile
sabrina.neff@huschblackwell.com
ATTORNEYS FOR DEFENDANT
NELNET SERVICING, LLC

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been served upon the following on August 29, 2024:

Hlevictor Hoskins, Jr.
2425 Holly Hall, Apt. 15142
Houston, Texas 77054
Pro Se Plaintiff

Certified Mail No. 9314 8699 0430 0125 3261 71

/s/Sabrina A. Neff
Sabrina A. Neff

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Elizabeth Spivey on behalf of Sabrina Neff

Bar No. 24065813

Elizabeth.Spivey@huschblackwell.com

Envelope ID: 91451968

Filing Code Description: Answer Filed

Filing Description: Defendant Nelnet Servicing, LLC's Original Answer

Status as of 9/10/2024 9:30 AM CST

Associated Case Party: Nelnet INC

Name	BarNumber	Email	TimestampSubmitted	Status
Sabrina Neff		sabrina.neff@huschblackwell.com	8/29/2024 8:08:55 AM	SENT

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Elizabeth Spivey		Elizabeth.Spivey@huschblackwell.com	8/29/2024 8:08:55 AM	SENT
Carmen Garcia		carmen.garcia@huschblackwell.com	8/29/2024 8:08:55 AM	SENT



Hlevictor Hoskins, Jr.
2425 Holly Hall, Apt. 15142
Houston, TX 77054

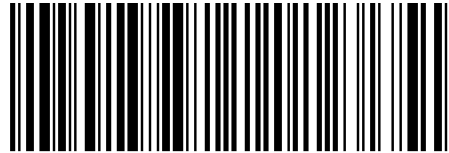
9314 8699 0430 0125 3261 71

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Sabrina A. Neff, Esq.
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RETURN RECEIPT (ELECTRONIC)

9314 8699 0430 0125 3261 71

Please Discard